

AGP-45. SERVICE CONTRACT ACT (SCA) EXEMPTION

This Contract is exempt from all provisions of the Service Contract Act per 29 CFR sec. 4.123(e) because:

(a) The Contract is principally for the maintenance, calibration and/or repair of:

(1) ADP equipment and office information/word processing systems;

NOTE: For purposes of this exemption, "ADP equipment" includes (i) computers; (ii) ancillary equipment; (iii) software, firmware, and similar procedures; (iv) services, including support services; and (v) related resources.

(2) Office/business machines not otherwise exempt according to the previous paragraph, if such services are performed by the manufacturer or supplier of the equipment; or

(3) Scientific equipment, if the application of microelectronic circuitry or other technology of at least similar sophistication is an essential element.

(b) By acceptance of this Contract, the Contractor certifies compliance to the requirements set forth in 29 C.F.R. sec. 4.123 (e) (1) (ii) (A), (B) and (C) with respect to this Contract, namely:

(1) The equipment items are commercial items used regularly for other than Government purposes, and are sold or traded by the Contractor in substantial quantities to the general public in the course of normal business operations;

(2) The Contract services are furnished at prices which are, or are based on, established catalogue or market prices for maintenance, calibration, and/or repair of such commercial items; and

(3) The Contractor utilizes the same compensation (wage and fringe benefits) plan for all service employees performing work under the Contract as the Contractor uses for equivalent employees servicing the same equipment of commercial customers.